

ENTERED

August 30, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

THE TEXAS GENERAL LAND OFFICE; §
and GEORGE P. BUSH, in his official §
capacity as Commissioner of the Texas §
General Land Office, §

Plaintiffs, §

VS. §

JOSEPH R. BIDEN, in his official capacity § CIVIL ACTION NO. 7:21-cv-00272
as President of the United States of §
America; UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; and ALEJANDRO §
MAYORKAS, in his official capacity as §
Secretary of the United States Department §
of Homeland Security, §

Defendants. §

ORDER

The Court now considers “Defendants’ Unopposed Motion for a Continuance of the Joint Discovery / Case Management Plan and the Initial Pretrial and Scheduling Conference.”¹ Because the motion is unopposed, the Court considers it as soon as practicable.²

Plaintiffs commenced this case on July 13, 2021.³ Plaintiffs served Defendants between July 26th and July 30th,⁴ but evidently did not complete service on the United States pursuant to Federal Rule of Civil Procedure 4(i)(1)–(2) until August 19th.⁵ Under Rule 12(a)(2), the United

¹ Dkt. No. 15.

² LR7.2 (“Motions without opposition and their proposed orders must bear in their caption ‘unopposed.’ They will be considered as soon as it is practicable.”).

³ Dkt. No. 1.

⁴ Dkt. Nos. 8–10.

⁵ Dkt. No. 15 at 2, ¶ 2.

States has until October 18th to respond to Plaintiffs' complaint. However, the Court's Order for Conference and Disclosure of Interested Parties orders parties to appear for an initial pretrial and scheduling conference on September 14th and to file their joint discovery/case management plan by September 3rd.⁶ Defendants therefore request that the Court reschedule the initial pretrial conference and the joint discovery/case management plan deadline for "approximately 60 days after Defendants respond to the complaint" so that the conference is not held before Defendants' responsive motion or pleading.⁷ Plaintiffs are not opposed.⁸

The Court finds good cause to reschedule the initial pretrial conference to after Defendants' deadline to respond, but sees no justification for setting the conference for 60 days after Defendants' response. The Federal Rules of Civil Procedure command the "speedy" determination of actions and proceedings.⁹ Accordingly, the Court **GRANTS IN PART** Defendants' motion¹⁰ and **CONTINUES** the initial pretrial and scheduling conference previously scheduled for September 14th¹¹ to **November 16, 2021, at 9:00 a.m.** The parties' joint discovery/case management plan shall be due no later than **November 5, 2021**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 30th day of August 2021.



Micaela Alvarez
United States District Judge

⁶ Dkt. No. 6.

⁷ Dkt. No. 15 at 2.

⁸ *Id.* ¶ 3.

⁹ FED. R. CIV. P. 1.

¹⁰ Dkt. No. 15.

¹¹ Dkt. No. 6.